

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

JOHNELL MIDDLETON *et al.*,

Plaintiffs,

v.

TIMOTHY WARD *et al.*,

Defendants.

No. 5:21-CV-00334-MTT

**PLAINTIFFS' MOTION TO CERTIFY CLASS**

Plaintiffs respectfully move the Court under Rule 23 of the Federal Rules of Civil Procedure to certify two classes of similarly situated persons. The principal class consists of all persons who are now or will in the future be held in Georgia State Prison's (GSP's) Tier II Program segregation units or other segregation units that indefinitely confine persons to their cells for 22 or more hours per day. A subclass consists of all persons who are now or will in the future be held in GSP's Tier II Program segregation units or other segregation units that indefinitely confine persons to their cells for 22 or more hours per day, and who are or have ever been classified by the Georgia Department of Corrections as Mental Health Level II or above. As explained in the attached brief, Plaintiffs meet the requirements for class certification under Rule 23.

## CONCLUSION

The Court should certify (1) a class consisting of all persons who are now or will in the future be held in GSP's Tier II Program segregation units or other segregation units that indefinitely confine persons to their cells for 22 or more hours per day, and (2) a subclass consisting of all persons who are now or will in the future be held in GSP's Tier II Program segregation units or other segregation units that indefinitely confine persons to their cells for 22 or more hours per day, and who are or have ever been classified by the Georgia Department of Corrections as Mental Health Level II or above.

Respectfully submitted this 16<sup>th</sup> day of September, 2021.

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### **CERTIFICATE OF SERVICE**

I certify that I electronically filed the foregoing using the CM/ECF system, which will send notification of filing to all counsel of record. In addition, I deposited a copy of the foregoing with the United States Postal Service, first class postage prepaid, in an envelope addressed as follows:

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September 16, 2021